IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Christopher J. Dyl	Art Unit	: 2157
Serial No.	: 10/632,410	Examiner	: El Hadji M Sall
Filed	: August 1, 2003	Conf. No.	: 4381
Title	: EFFICIENT METHOD FOR PROVIDING GAME CONTENT TO A CLIENT

Commissioner for Patents
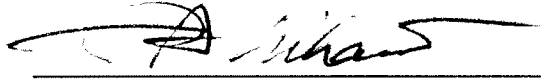P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BREIF

In response to the notice of non-compliant appeal brief mailed on May 12, 2008,
Applicant encloses a replacement section (5) to identify corresponding disclosure for each claim
or appeal by pay and line number from the application as filed. The enclosed replacement section
complies with Rule 41.37(c)(5).

No fees are believed to be due in connection with the filing of this replacement section.
However, to the extent fees are due, please adjust our Deposit Account No. 06-1050, referencing
Attorney Docket No. 19815-014001.

Respectfully submitted,

Date:_Maय 22, 2008_____

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<u>REPLACEMENT SECTION (5) FOR BRIEF ON APPEAL</u>

(5)   Summary of Claimed Subject Matter

All citations herein are made with reference to the specification of this application, filed August 1, 2003.

CLAIM 1

Claim 1 recites a method for efficiently transmitting, to a client, a content update. The method includes hosting, for transmission, a content update having a plurality of data files; identifying a subset of the plurality of data files as high-quality data files; creating a high-quality content update that includes the identified high-quality data files; receiving a client connection request; determining that high-quality data files are to be transmitted to the client; transmitting the high-quality data files from the high-quality content update; and transmitting the remaining data files in the content update.

Claim 1's limitation of hosting, for transmission, a content update having a plurality of data files is described between page 8, line 21 and page 9, line 5.

Claim 1's limitation of identifying a subset of the plurality of data files as high-quality data files is described between page 9, line 6 and page 10, line 9, as well as FIGS. 3 and 4.

Claim 1's limitation of creating a high-quality content update that includes the identified high-quality data files is described on page 10, lines 10-14, in connection with the high-quality update package creation step **408**.

Claim 1's limitation of receiving a client connection request is described on page 10, lines 15-30 in connection with the connection request step **502**.

Claim 1's limitations of determining that high-quality data files are to be transmitted to the client and transmitting high-quality data files from the high-quality content update are described on page 10, lines 15-30 in connection with step **510**, the high-quality transmission step, and in FIG. 5.

Claim 1's limitation of transmitting remaining data files in the content update is described on page 10, lines 15-30 in connection with step **512**.

CLAIM 3

Claim 3 recites the subject matter of claim 1, but with the additional step of using a data quality function to identify a subset of the plurality of data files contained in the content update as high-quality data files.

Claim 3's additional step of "using a data quality function to identify a subset of the plurality of data files contained in the content update as high-quality data files" is described on page 9, lines 20-26, in the discussion of step **404**, and in FIG. 4.

CLAIM 5

Claim 5 recites the same subject matter as claim 3, but with the additional step of the data quality function yielding a data quality that is a function of the sizes of the plurality of data files.

Claim 5 recites the additional limitation that a "data quality function yields a data quality that is a function of the sizes of the plurality of data files." This limitation is described between page 9, line 27 and page 10, line 2.

CLAIM 6

Claim 6 recites the subject matter of claim 1, but with the additional step of removing the high-quality data files from the content update.

Claim 6 includes the additional limitation of removing high-quality data files from the content update. This limitation is disclosed on page 10, lines 10-14.

CLAIM 7

Claim 7 recites the subject matter of claim 1, but with the additional step of determining that the received request includes a bit value indicating high-quality files should be transferred.

Claim 7's additional limitation of "determining that the received request includes a bit value indicating high-quality files should be transferred" is described on page 11, lines 1-10.

CLAIM 8

Claim 8 recites a method for efficiently transmitting a content update from a server to a client. The method includes the server hosting a content update having a plurality of data files; identifying a subset of the plurality of data files from the content update as high-quality data files; creating, by the server, a high-quality content update that includes the identified high-quality data files; the client requesting a connection with the server; determining, by the server, that high-quality data files should be transmitted to the client; the client receiving data files from the high-quality content update to the client; and the client receiving the remaining data files from the content update to the client.

Claim 8's limitation of the server hosting a content update having a plurality of data files is described between page 8, line 21 and page 9, line 5.

Claim 8's limitation of identifying a subset of the plurality of data files from the content update as high-quality data files is described between page 9, line 6 and page 10, line 9, as well as FIGS. 3 and 4.

Claim 8's limitation of creating, by the server, a high-quality content update that includes the identified high-quality data files is described on page 10, lines 10-14, in connection with the high-quality update package creation step **408**.

Claim 8's limitation of the client requesting a connection with the server is described on page 10, lines 15-30 in connection with the connection request step **502**.

Claim 8's limitation of determining, by the server, that high-quality data files should be transmitted to the client and the client receiving data files from the high-quality content update

are described on page 10, lines 15-30 in connection with step **510**, the high-quality transmission step, and in FIG. 5.

Claim 8's limitation of the client receiving remaining data files from the content update is described on page 10, lines 15-30 in connection with step **512**.

CLAIM 10

Claim 10 recites the same subject matter as claim 8, but with the additional step of identifying a subset of the plurality of data files as high-quality data files using a data quality function.

Claim 10's additional limitation of "identifying a subset of the plurality of data files as high-quality data files using a data quality function" is described on page 9, lines 20-26, in the discussion of step **404**, and in FIG. 4, where it is referred to as a "quality metric," and on page 1, lines 17-21; page 3, lines 6-10; and page 3, lines 28-29.

CLAIM 12

Claim 12 recites the same subject matter as claim 10, but with the additional step of the data quality function yielding a data quality that is a function of the sizes of the plurality of data files.

Claim 12 recites the additional limitation that a "data quality function yields a data quality that is a function of the sizes of the plurality of data files." This limitation is described between page 9, line 27 and page 10, line 2.

CLAIM 13

Claim 13 recites the same subject matter as claim 8, but with the additional step of removing the high-quality data files from the content update.

Claim 13 includes the additional limitation of removing high-quality data files from the content update. This limitation is disclosed on page 10, lines 10-14.

CLAIM 14

Claim 14 recites the same subject matter as claim 8, but with the additional step of determining that the received request includes a bit value indicating high-quality files should be transferred.

Claim 14's additional limitation of "determining that the received request includes a bit value indicating high-quality files should be transferred" is described on page 11, lines 1-10.

CLAIM 15

Claim 15 recites a computer based content updating apparatus that includes a non-volatile memory element storing a content update having a plurality of data files; a processor in electrical communication with the non-volatile memory element for identifying a subset of the data files in the content update as high-quality data files, separating the high-quality data files from the content update, and storing, in the non-volatile memory element, a high-quality content update that includes the separated high-quality data files; and a transceiver in electrical communication with the non-volatile memory element and the processor, the transceiver receiving a connection request from a remote client on a network. The processor determines that high-quality data files are to be transmitted to the client and the transceiver transmits data files from the high-quality content update and the remaining data files from the content update.

Claim 15's limitation of a non-volatile memory element storing a content update having a plurality of data files is described between page 8, line 21 and page 9, line 5.

Claim 15's limitation of a processor for identifying a subset of the plurality of data files as high-quality data files is described between page 9, line 6 and page 10, line 9, as well as FIGS. 3 and 4.

Claim 15's limitation of a transceiver receiving a connection request from a client is described on page 10, lines 15-30 in connection with the connection request step **502**, on page 10, lines 15-30 in connection with step **510**, the high-quality transmission step, and in FIG. 5, and on page 10, lines 15-30 in connection with step **512**.
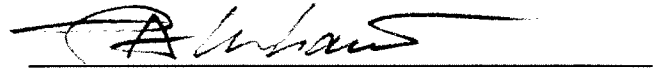
CLAIM 16

Claim 16 recites the same subject matter as claim 15, but with the additional step of the processor using a data quality function to identify a subset of the plurality of data files as high-quality data files.

Claim 16's additional limitation, in which "using a data quality function, the processor identifies a subset of the plurality of data files as high-quality data files" is described on page 9, lines 20-26, in the discussion of step **404**, and in FIG. 4.

Respectfully submitted,

Date: _May 22, 2008_

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